



General Assembly

February Session, 2008

Raised Bill No. 328

LCO No. 1953

01953_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING COMPENSATION OF JURORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-247 of the 2008 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2008*):

4 (a) (1) Each full-time employed juror shall be paid regular wages by
5 the juror's employer [for the first five days, or part thereof, of jury
6 service. Such payment] as follows:

7 (A) If the juror's employer has twenty full-time employees or less,
8 the employer shall pay regular wages to the full-time employed juror
9 for the first five days, or part thereof, of jury service;

10 (B) If the juror's employer has at least twenty-one and not more than
11 fifty full-time employees, the employer shall pay regular wages to the
12 full-time employed juror for the first ten days, or part thereof, of jury
13 service;

14 (C) If the juror's employer has at least fifty-one and not more than
15 seventy-five full-time employees, the employer shall pay regular

16 wages to the full-time employed juror for the first fifteen days, or part
17 thereof, of jury service;

18 (D) If the juror's employer has at least seventy-six and not more than
19 one hundred full-time employees, the employer shall pay regular
20 wages to the full-time employed juror for the first twenty days, or part
21 thereof, of jury service; or

22 (E) If the juror's employer has more than one hundred full-time
23 employees, the employer shall pay regular wages to the full-time
24 employed juror for each day, or part thereof, of jury service.

25 (2) Payment required under this subsection shall be subject to the
26 requirements of section 31-71b and any employer who violates this
27 section shall be subject to the provisions of sections 31-71g and 31-72.
28 A person shall not be considered a full-time employed juror on any
29 day of jury service in which such person [(1)] (A) would not have
30 accrued regular wages to be paid by the employer if such person were
31 not serving as a juror on that day, or [(2)] (B) would not have worked
32 more than one-half of a shift which extends into another day if such
33 person were not serving as a juror on that day. Each juror not
34 considered a full-time employed juror on a particular day of jury
35 service pursuant to [subdivision (1) or (2)] subparagraph (A) or (B) of
36 this [subsection] subdivision shall be reimbursed by the state for
37 necessary out-of-pocket expenses incurred during that day of jury
38 service, provided such day of service is within the first five days, or
39 part thereof, of jury service. Each part-time employed juror and
40 unemployed juror shall be reimbursed by the state for necessary out-
41 of-pocket expenses incurred during the first five days, or part thereof,
42 of jury service. Necessary out-of-pocket expenses shall include, but not
43 be limited to, twenty cents for each mile of travel from the juror's place
44 of residence to the place of holding the court and return, and shall
45 exclude food. The mileage shall be determined by the shortest direct
46 route either by highway or by any regular line of conveyance between
47 the points. A reimbursement award under this subsection for each day

48 of service shall not be less than twenty dollars or more than fifty
 49 dollars. For the purposes of this subsection, "full-time employed juror"
 50 means an employee holding a position normally requiring thirty hours
 51 or more of service in each week, which position is neither temporary
 52 nor casual, and includes an employee holding a position through a
 53 temporary help service, as defined in section 31-129, which position
 54 normally requires thirty hours or more of service in each week, who
 55 has been working in that position for a period exceeding ninety days,
 56 and "part-time employed juror" means an employee holding a position
 57 normally requiring less than thirty hours of service in each week or an
 58 employee working on a temporary or casual basis. In the event that a
 59 juror may be considered to be both a full-time employed juror and a
 60 part-time employed juror for any day of the first five days, or part
 61 thereof, of jury service, such juror shall, for the purposes of this
 62 section, be considered to be a full-time employed juror only.

63 (b) The Jury Administrator shall establish guidelines for
 64 reimbursement of expenses pursuant to this section.

65 (c) Each juror who serves more than [five] the applicable number of
 66 days set forth in subdivision (1) of subsection (a) of this section shall be
 67 paid by the state for [the sixth day and] each day thereafter at a rate of
 68 fifty dollars per day of service. A juror receiving payment under this
 69 subsection shall not be entitled to any additional reimbursement.

70 Sec. 2. Section 51-247c of the 2008 supplement to the general statutes
 71 is repealed and the following is substituted in lieu thereof (*Effective*
 72 *October 1, 2008*):

73 (a) Upon written application on a form prescribed by the Office of
 74 the Chief Court Administrator, the court may excuse (1) an employer
 75 from the duty to compensate a juror-employee, or (2) a self-employed
 76 juror from the duty to compensate himself or herself. In such instances,
 77 the court shall make a finding that extreme financial hardship would
 78 be imposed if such duty were not removed. If an employer or self-
 79 employed juror is so excused from making payment, the court shall

80 award to the juror the amount the court finds to be the juror's regular
81 wages, to be paid by the state, for the [first five] actual number of days,
82 or part thereof, of juror service, not to exceed the applicable number of
83 days set forth in subdivision (1) of subsection (a) of section 51-247 of
84 the 2008 supplement to the general statutes, as amended by this act,
85 but in no event shall such award exceed fifty dollars per day.

86 (b) The Jury Administrator shall mail or the clerk of the court shall
87 give the waiver applications as provided for in subsection (a) of this
88 section and juror service certificates to jurors who have performed
89 juror service. The Office of the Chief Court Administrator may
90 combine into one form the waiver application and the juror service
91 certificate. The juror service certificate shall contain: (1) The name and
92 address of the juror; (2) the court location in which the juror service
93 was performed; (3) the number of days of juror service performed by
94 the juror and the specific dates thereof; (4) the total compensation
95 received by the juror for the period of juror service involved; (5) a
96 declaration of the duty of an employer to compensate a juror-employee
97 for the first five days or part thereof of juror service; (6) the right of an
98 employer to be excused from such duty by the court upon a finding of
99 extreme financial hardship; and (7) any other information which the
100 Jury Administrator deems appropriate. Each juror service certificate
101 shall be completed in duplicate, one copy of which shall be for the
102 juror and one copy of which shall be for the employer of the juror. A
103 juror who seeks compensation from the juror's employer for juror
104 service shall tender the employer's copy of the juror service certificate
105 and the waiver application to the juror's employer as soon as
106 practicable after its receipt.

107 (c) An employer may file a waiver application not later than fifteen
108 days after its receipt by the employer. The waiver application shall be
109 submitted to the court location where the juror served. If an
110 application is denied, the party making the application may apply for a
111 hearing no later than twenty days from the date of the finding by the
112 court.

113 Sec. 3. Subsection (c) of section 51-247a of the general statutes is
 114 repealed and the following is substituted in lieu thereof (*Effective*
 115 *October 1, 2008*):

116 (c) Any employer who fails to compensate a juror-employee under
 117 [subsection (b) of] section 51-247 of the 2008 supplement to the general
 118 statutes, as amended by this act, and who has not been excused from
 119 such duty under section 51-247c of the 2008 supplement to the general
 120 statutes, as amended by this act, shall be liable to the juror-employee
 121 for damages. The juror may commence a civil action in any superior
 122 court having jurisdiction over the parties. Extreme financial hardship
 123 on the employer shall not be a defense to [this] such action. The court
 124 may award treble damages and reasonable attorney's fees to the juror
 125 upon a finding of wilful conduct by the employer.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	51-247
Sec. 2	<i>October 1, 2008</i>	51-247c
Sec. 3	<i>October 1, 2008</i>	51-247a(c)

Statement of Purpose:

To establish a graduated scale for employers to reimburse jurors during jury service.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]